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April 11, 2008

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*Rec
4/17/08*

William S. Hose, Section Chief
Department of Environmental Protection
401 E. State Street, 5th Floor West
P.O. Box 028
Trenton, NJ 08625

**RE: Margaret's Creek, Old Bridge Township, Middlesex County
EA ID # NEA070001-434324**

Dear Mr. Hose:

I am writing in response to your letter of February 15, 2008 requesting that NL Industries, Inc. ("NL") provide information about parties who may be liable for remedial activities at certain property in Old Bridge Township described on the tax map as Block 1, Lot 54.11 (the "Site"). This is the area in which the DEP has determined that Liberty Trucking disposed of waste hauled for various customers.

Since Liberty Trucking has not operated for some time, it is difficult to locate documents related to Liberty Trucking's operations. It is extremely unlikely, however, that NL was Liberty Trucking's only alleged customer. Indeed, it is likely that, if Liberty Trucking hauled from NL's Perth Amboy facility (as the DEP contends) Liberty Trucking also hauled waste from the adjacent ASARCO facility in Perth Amboy. The DEP's own file seems to confirm this fact.

NL also has identified other potentially responsible parties ("PRPs") who are liable for contamination at the Site. We provide DEP with the following information regarding these PRPs, and we are available to discuss this information in further detail at the DEP's convenience.

Generators for Waste Associated With NL's Perth Amboy Facility

Under the Spill Act and CERCLA, parties that arrange for the disposal or treatment of hazardous substances (including used batteries) at a secondary smelter are liable for any resulting on-site or off-site contamination. NL had many customers at its former Perth Amboy smelter who sent, among other things, used batteries for processing in the late 1960s to mid-1970s. These customers were identified through a review of NL's historical documents.

PRINCETON OFFICE
700 Alexander Park
Suite 102
Princeton, NJ 08540
P 609-580-3700
F 609-580-0051

FLEMINGTON OFFICE
Plaza One
1 State Route 12, Suite 201
Flemington, NJ 08822-1722
P 908-788-9700
F 908-786-7854

PHILADELPHIA OFFICE
One South Broad Street
Suite 1600
Philadelphia, PA 19107
P 215-963-3300
F 215-963-9999

WILMINGTON OFFICE
300 Delaware Avenue
Suite 1370
Wilmington, DE 19801
P 302-777-4356
F 302-777-4352

NEW YORK OFFICE
2 Penn Plaza
Suite 1500
New York, NY 10121
P 212-292-4958
F 212-629-4566

Acknowledging this strict liability, hazardous substances, many of these same companies have agreed to contribute to cleanup costs at other smelter facilities, including NL's Pedricktown smelter. The customers of NL's Perth Amboy facility would be liable for the contamination at the Site since at least some of their wastes, including batteries, were transported to the Site.

NL's historical records¹ show that the following were among the customers who disposed of batteries, scrap metal, converted antimonial lead and other metals at NL's Perth Amboy facility:

- Johnson Controls, Inc.
- EnerSys, Inc.
- Exide Technologies, Inc.
- DuPont
- Delco Electronics
- C&D Technologies, Inc.
- Krenzman
- Beaver Smelting and Refining Company
- Carborundum
- WIMCO
- Billiton Trading Company
- Associated Metals and Minerals Corp.
- Capper Pass & Sun Ltd.
- East Penn Manufacturing Company
- Metal Industries, Inc.
- Tiffen Manufacturing Corporation
- Dusenberry
- Aaron Battery Company
- Newpoint Scrap
- Kane Steel Company
- U.S. General Services Administration
- U.S. Metals Refining Company
- RAE Battery

If Liberty Trucking transported waste from NL's Perth Amboy facility to the Site, as the DEP contends, then the waste for which these companies are responsible would have been disposed of at the Site, rendering these customers strictly liable under N.J.S.A. 58:10-23.11(g).

ASARCO

ASARCO operated a lead smelter and metal refining facility in Perth Amboy adjacent to NL's Perth Amboy facility. The DEP previously recognized that ASARCO disposed of waste in at the Site. Attached is an e-mail from DEP's files reflecting that finding. As acknowledged in that e-mail, there is no dispute that at least some of the material at the Site originated from the dismantling of ASARCO's plant as early as the 1960s. (See Exhibit A.) This demolition waste (consisting of building rubble and other material) undoubtedly contained lead. Further, ASARCO would probably have discarded its materials in the same manner as NL and likely had a contract with Liberty Trucking. Because the ASARCO facility was far larger, it is likely that a significant amount of waste at the Site originated from ASARCO.

¹ The customer lists and other historical documents will be provided to the DEP upon request. Two summary spreadsheets are included herewith for your convenience.

William S. Hose, Section Chief
April 11, 2008
Page 3

Old Bridge Township

In your February 15 letter, you indicated that Old Bridge had executed an ACO defining its liability at the Site and setting forth its remedial obligations at the Site. When we spoke to Old Bridge, however, we discovered that no executed ACO existed. Thus, it is not appropriate to "absolve" Old Bridge of responsibility at the Site.

The DEP cited Old Bridge for improper disposal of street sweepings. The DEP's "Guidance Document for the Management of Street Sweepings and Other Road Cleanup Materials" recognizes that "[i]n many instances, road cleanup materials are known to contain elevated concentrations of contaminants *such as lead* and organic compounds associated with petroleum products, which above certain levels are known to be hazardous to human health." Another section of that Guidance Document further recognizes that lead is "typically" found in street sweepings and road materials.

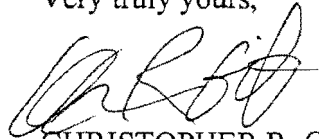
Most, if not all, of the DEP's sampling at the Site was limited to 0-6 inches. That is the strata in which the Township would have discarded its street sweepings, as the Township's activities occurred well after Liberty Trucking had ceased activities at the Site. Thus, according to DEP's own Guidance Document, Old Bridge is responsible for lead contamination at the Site.

Further discovery into Liberty Trucking's operations will reveal other PRPs. We were not able to locate such information, however, in the short time-frame we were provided for a response. We are, of course, available to discuss this information with you at your convenience.

Disposal Site Visit

On April 1, 2008, NL, along with representatives of the Township of Old Bridge, visited and completed a walk of the Site. NL would like to discuss the results of that visit and NL's understanding of the condition of the Site with the NJDEP. Please call me at your convenience to arrange a meeting.

Very truly yours,



CHRISTOPHER R. GIBSON

CRG/jp - 3188537
Enclosure

From: Mark Pedersen
To: Grayson, Linda
Date: Mon, Apr 23, 2007 9:11 AM
Subject: Re: Fwd: Margarets Creek brief update

Already being done, Bob and Diane D. Are working on it

>>> Linda Grayson 4/23/2007 8:42 AM >>>

Are you going to ask Bob to see what he can find on American Smelting? LG

>>> Mark Pedersen 4/19/2007 5:03 PM >>>

>>> Fred Mumford 4/19/2007 4:33 PM >>>

I spoke with Old Bridge Mayor Phillips just now who informed me of the source of the lead at this site. It came from the dismantling of the American Smelting Refinery in Perth Amboy back in the 1960s. The mayor works for the county and after I spoke with the county health officer, they both called me back to discuss.

More importantly, the mayor said he does not believe there are any kids getting on the site. The site is mainly travelled by county and municipal works dealing with sewer pipes on the property, some of which need repair now. The mayor said the site is fenced along Route 35. He said that the town would begin fencing off the back part of the property tomorrow. The town aquired the land through after no taxes were being paid many years ago.

Thanks.

CC: Beretsky, Bob; Corcory, Ronald; Drake, Nadine

Perth Amboy National Customer Transactions/Contracts					Intra-Division Locations/Contract
Document Type	Effective Date	Account Name	Contract type/Commodity	Quantity/Volume/Terms	
Contract	1/1/1974-12/31/1976	Globe-Union	Conversion Contract- Plant scrap, scrap whole lead-acid storage batteries for conversion into Antimonial or other lead alloys.	NL and Globe agree to a receipt and shipment of 45,500 tons (1974), 46,000 tons (1975) and 50,000 tons (1976). Globe must maintain an inventory balance of 250 tons per month at Perth Amboy, from 1/1/74- 12/31/1976.	Atlanta, Beech Grove, Chicago, Granite City, Cleveland, Dallas, Perth Amboy, Pedriectown, Los Angeles, Portland
Contract	1/1/1974-12/31/1976	Globe-Union	Conversion Contract- corroding grade lead converted into battery oxide.	10,700 (1974); 11,300 (1975); and 12,000 (1976)	Atlanta, Beech Grove, Chicago, Granite City, Cleveland, Dallas, Perth Amboy, Pedriectown, Los Angeles, Portland
Draft Contract	6/1/1971-12/31/1973	Globe-Union	Conversion Contract- Plant scrap, scrap whole lead-acid storage batteries for conversion into Antimonial or other lead alloys.	Not to exceed to carloads per week/unlimited plant scrap by rail/excess stocks of Globe's antimonial lead at 225 tons per month.	Atlanta, Beech Grove, Chicago, Granite City, Cleveland, Dallas, Perth Amboy, Pedriectown, Los Angeles, Portland
Draft Contract	6/1/1968-5/31/1971	Globe-Union	Conversion Contract-	11,000-19,999 (1st year); 20,000-27,999 (2nd year); 28,000 and up (3rd year). In exchange for virgin or secondary corroding lead, excess stocks of Globe's antimonial lead at 225 tons per month.	Atlanta, Beech Grove, Chicago, Cleveland, Dallas, Perth Amboy,

Contract (missing Prestolite Signature page)	3/1/1973-3/1/1974-	Prestolite	Conversion Contract- Plant scrap, scrap whole lead-acid storage batteries for conversion into Antimonial or other lead alloys.	12 mo. Option to renew. 4,500 tons shipped to NL, 7,000 - 12,000 short tons antimonial lead shipped to Prestolite. Prestolite will outright purchase difference.	Pedricktown, Perth Amboy, Atlanta, Cleveland, Detroit, Chicago, St. Louis Park, Beech Grove, Granite City, Dallas, Los Angeles and Portland.
Contract	1/1/1972-12/31/1972	ESB Inc.	Conversion Contract- Plant scrap, scrap whole lead-acid storage batteries for conversion into Antimonial or other lead alloys.	Unlimited receipts of scrap, whole batteries shipped to only NL facilities with battery dismantling capabilities, right to modify % of types of metal in conversion.	Perth Amboy, Atlanta, Cleveland, Detroit, Chicago, St. Louis Park, Beech Grove, Granite City, Los Angeles and Portland

Perth Amboy Customer Transactions-Receipts In						
Document ID	Date	Received from	Customer	Commodity	Gross Weight	Notes/Comments
00158-161	12/27/1974	Middletown, DE	Globe-Union	Scrap dross, sump mud		
708-0475	12/17/1974	ESB, Philadelphia	ESB Inc.	Scrap metal	33060.00	
708-0512	12/30/1974	ESB, Philadelphia	ESB Inc.	Scrap metal	26150.00	
708-0527	1/6/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	43360.00	
708-0532	1/7/1975	ESB, Philadelphia	ESB Inc.	Scrap metal	29480.00	
708-0533	1/7/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	28540.00	
708-0536	1/7/1975	ESB, Philadelphia	ESB Inc.	Scrap metal	29500.00	
708-0538	1/8/1975	ESB, Philadelphia	ESB Inc.	Dross, mud, dust	33400.00	
708-0540	1/8/1975	ESB, Philadelphia	ESB Inc.	Scrap metal	33290.00	
708-0548	1/9/1975	ESB, Philadelphia	ESB Inc.	Dross, mud, dust	37700.00	
708-0554	1/10/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	30440.00	
708-0564	1/14/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	30400.00	
708-0566	1/13/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	39480.00	
708-0573	1/17/1975	ESB, Fairfield	ESB Inc.	Oxide	75240.00	
708-0574	1/17/1974	ESB, Philadelphia	ESB Inc.	Mud, dross	33680.00	
708-0600	1/23/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	27420.00	
708-0603	1/23/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	36220.00	
708-0604	1/23/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	38720.00	
708-0606	1/24/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	38380.00	
708-0607	1/27/1975	ESB, Philadelphia	ESB Inc.	Mud, dross	34980.00	
C00113-C00116	9/30-10/31/1974	Gould Trenton	Gould National	Lead, Antimony	193712.99	
C00117	9/30-10/24/1974	Lynchburg	Gould National	Scrap whole batteries	502260.00	
C00118	11/26-12/16/	Middletown		Oxide, dross, mud, dust	124860.00	
C00119	12/12/74-1/20/75	Middletown		Mud, dross, pot cleaning, oxide	247138.00	
C00120	12/10/1974	Bennington		Scrap, mud	100480.00	
C00121		Bennington	Gould National			
C00122	12/10/1974	Bennington		Oxide, dross, mud	100480.00	
C00129-C00130	1/28-2/24/1975		Globe-Union	whole batteries, mixed scrap		
C00135-139	2/1/74-3/1/74	Gould-Trenton	Gould National	B-Plates, dross, oxide, mud	132910.00	
C00142-147	12/20/1974	Middletown, DE	Globe-Union	Mud, scrap dross		
C00150-00151	12/27/1974	Middletown, DE	Globe-Union	Scrap dross		

C00152-00157	1/3/1975	Middletown, DE	Globe-Union	Pot-cleaning, oxide, dross	39658.00	
C00162-165	1/2/1975	Middletown, DE	Globe-Union	Scrap dross, sump mud	-33460.00	returned for credit
C00166-169	1/21/1975	Middletown, DE	Globe-Union	Scrap dross, sump mud	-42170.00	returned for credit
C00170-C00173	1/22/1975	Middletown, DE	Globe-Union	Water treatment dross	-45571.00	returned for credit
C00174-179	1/20/1975	Middletown, DE	Globe-Union	Dross	-39965.00	returned for credit
C00180-181	12/12/1974	Middletown, DE	Globe-Union	Dross	-44530.00	returned for credit
C00182-184	12/13/1974	Middletown, DE	Globe-Union	Dross	35870.00	
C00188-190	12/23/1974	Bennington, VT	Globe-Union	Battery dross for recycling	113000.00	
C00194	1/3-1/22/75	Allentown, PA	ESB Inc.	B-Plates, dross, oxide, mud	160490.00	
C00195	1/17/1975	Fairfield, CT	ESB Inc.	Oxide	42900.00	
C00196	1/20/1975	Buffalo, NY	ESB Inc.	Battery plates	40090.00	
C00197-199	12/16/74-1/10/75	Philadelphia, PA	ESB Inc.	B-Plates, dross, oxide, mud	435380.00	
C00207-210	1/28-2/24/75		Globe-Union	whole batteries, mixed scrap	1955486.00	
C00214-217	2/3-2/28/75	Bennington	Globe-Union	Scrap	103790.00	
C00214-217	2/3-2/28/75	Middletown	Globe-Union	Scrap, mud	248005.00	
C00219	1/2/1975		Gould National	Scrap	37280.00	
C00220-224	11/1/1974	Trenton	Gould National	Mud, dross, oxide	38320.00	
C00225-227	10/31/1974	Trenton	Gould National	scrap lead	37845.00	
C00228-232, 237	11/14/1974	Trenton	Gould National	Wet oxide, dross, sweeps	37280.00	
C00233	10/21/1974	Trenton	Gould National	Battery scraps	35000.00	
C00233-236	11/13/1974	Trenton	Gould National	scrap lead	36690.00	
C00254	1/17/1975	Fairfield, CT	ESB Inc.	Oxide	42900.00	
C00255	2/25/1975	Allentown, PA	ESB Inc.	B-Plates, dross, oxide, mud	160490.00	
C00256-258	2/25/1975	Philadelphia, PA	ESB Inc.	B-Plates, dross, oxide, mud	435380.00	
C00260	2/25/1975	Buffalo, NY	ESB Inc.	B Plates	40090.00	
C00281	2/3/1975	Allentown, PA	ESB Inc.	Defective lead	21844.00	
C00284	1/1/1975	Clark, NY	ESB Inc.		110200.00	

C00286-288	11/27-74-12/27/74	Philadelphia, PA	ESB Inc.	B-Plates, dross, oxide, mud	369965.00	
C00289	12/18/1974	Clark, NY	ESB Inc.	Dross	18460.00	
C00290, 295-297	1/3/1975	Buffalo, NY	ESB Inc.	B Plates	40730.00	
C00291	11/18-12/13/1974	Fairfield, CT	ESB Inc.	Tank cleaning, oxide, dross, mud	161860.00	
C00292	12/5-12/20/1974	Allentown, PA	ESB Inc.	Oxide, dross, mud	168450.00	
C00310	11/1/1974		Globe-Union	Plant scrap	511247.00	Summary sheet.
C00310	11/1/1974		Gould National	Plant scrap	28081.00	Summary sheet.
C00310	11/1/1974		ESB Inc.	Plant scrap	753933.00	Summary sheet.
C00310	11/1/1974		Prestolite	Battery plates, scrap	276198.00	Summary sheet.
C00310	11/1/1974		C&D	Battery plates, scrap	226624.00	Summary sheet.
C00311	10/1/1974		Globe-Union	Battery plates, scrap	420967.00	Summary sheet
C00311	10/1/1974		Gould National	whole batteries, mixed scrap	108522.00	Summary sheet.
C00311	10/1/1974		ESB Inc.	whole batteries, mixed scrap	362139.00	Summary sheet.
C00311	10/1/1974		Prestolite	Battery plates, scrap	308257.00	Summary sheet.
C00311	10/1/1974		C&D	Battery plates, scrap	207526.00	Summary sheet.
C00312	12/1/1974		Globe-Union	Plant scrap	305645.00	Summary sheet.
C00312	12/1/1974		Gould National	Plant scrap	68277.00	Summary sheet.
C00312	12/1/1974		ESB Inc.	Plant scrap	285012.00	Summary sheet.
C00312	12/1/1974		Prestolite	Battery plates, scrap	243422.00	Summary sheet.
C00312	12/1/1974		C&D	Battery plates, scrap	83557.00	Summary sheet.
C00313	1/1/1975		Globe-Union	Plant scrap	194626.00	Summary sheet.
C00313	1/1/1975		ESB Inc.	Plant scrap	586672.00	Summary sheet.
C00313	1/1/1975		Prestolite	Plant scrap	144779.00	Summary sheet
C00313	1/1/1975		C&D	Plant scrap	184016.00	Summary sheet
C00314	9/1/1974		Globe-Union	Battery plates, scrap	391960.00	Summary sheet
C00314	9/1/1974		Gould National	Battery plates, scrap	28885.00	Summary sheet
C00314	9/1/1974		ESB Inc.	Battery plates, scrap	596016.00	Summary sheet
C00314	9/1/1974		Prestolite	Battery plates, scrap	228484.00	Summary sheet
C00314	9/1/1974		C&D	Battery plates, scrap	180893.00	Summary sheet
C00319	8/1/1974		Globe-Union	Battery plates, scrap	46714.00	Summary sheet
C00319	8/1/1974		Gould National	Battery plates, scrap	26438.00	Summary sheet
C00319	8/1/1974		ESB Inc.	Battery plates, scrap	331524.00	Summary sheet
C00319	8/1/1974		Prestolite	Battery plates, scrap	196391.00	Summary sheet
C00319	8/1/1974		C&D	Battery plates, scrap	166940.00	Summary sheet
C00320	7/1/1974		Globe-Union	Plant scrap	57362.00	Summary sheet

C00320	7/1/1974		Gould National	Battery plates, scrap	29224.00	Summary sheet
C00320	7/1/1974		ESB Inc.	Battery plates, scrap	143791.00	Summary sheet
C00320	7/1/1974		Prestolite	Battery plates, scrap	94532.00	Summary sheet
C00320	7/1/1974		C&D	Battery plates, scrap	240217.00	Summary sheet
C00321	6/1/1974		Globe-Union	Battery plates, scrap	230832.00	Summary sheet
C00321	6/1/1974		Gould National	Battery plates, scrap	82258.00	Summary sheet
C00321	6/1/1974		ESB Inc.	Battery plates, scrap	381939.00	Summary sheet
C00321	6/1/1974		Prestolite	Battery plates, scrap	168303.00	Summary sheet
C00321	6/1/1974		C&D	Battery plates, scrap	139046.00	Summary sheet
C00322	10/18/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40100.00	
C00323	10/15/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	43080.00	
C00324	10/16/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40320.00	
C00325	8/20/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	39380.00	
C00326	8/22/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40180.00	
C00327	8/8/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40210.00	
C00328	8/7/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40480.00	
C00329	8/2/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	39230.00	
C00330	7/26/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	43210.00	
C00331	7/26/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	38450.00	
C00332	7/25/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40350.00	
C00333	7/25/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	41500.00	
C00334	7/24/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37640.00	
C00335	7/23/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	38750.00	
C00336	7/22/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37350.00	

C00338	6/18/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	36750.00	
C00339	6/7/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	38400.00	
C00340	6/6/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	39890.00	
C00343	2/18/1974	Joe Krentzman & Son	Joe Krentzman & Son	Lead scrap	33808.00	
C00344	7/29/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37980.00	
C00345	7/30/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	39240.00	
C00346	7/31/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	39190.00	
C00347	8/9/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	43410.00	
C00348	8/8/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	42030.00	
C00349	8/16/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37980.00	
C00350	8/16/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	41330.00	
C00351	8/16/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	41970.00	
C00352	8/21/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	44550.00	
C00353	8/26/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	38370.00	
C00354	8/29/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37200.00	
C00355	9/9/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37650.00	
C00356	9/11/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37000.00	
C00357	9/13/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	35760.00	
C00358	9/17/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	38670.00	
C00359	9/27/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40290.00	

C00360	10/8/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	43500.00	
C00361	10/8/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40030.00	
C00362	10/11/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37900.00	
C00363	10/25/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	41500.00	
C00364	10/23/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	39840.00	
C00365	11/5/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	38200.00	
C00366	12/13/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40100.00	
C00367	11/20/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	38270.00	
C00368	11/13/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37400.00	
C00369	11/21/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37250.00	
C00370	10/31/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37620.00	
C00371	10/25/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	39450.00	
C00372	11/7/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	40350.00	
C00374	11/8/1974	Joe Krentzman & Son	Joe Krentzman & Son	Antimonial Lead Scrap	37330.00	
Conversion sheet	Jan-75	ESB Fairfield, CT	ESB Inc.		162284.00	
Conversion sheet	Jan-75	ESB Clark, NJ	ESB Inc.		110200.00	
Conversion sheet	1/1/1975	ESB Philadelphia, PA	ESB Inc.	Lead scrap	117232.00	
708-0424	12/6/1974	Automotive Division, Allentown, PA	ESB Inc.	Oxide, dross, mud	70720.00	
708-0607	1/11/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0606	1/11/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0604	1/23/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0603	1/23/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0574	1/12/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0554	1/10/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	

708-0548	1/9/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0538	1/8/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0564	1/19/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0540	1/8/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0532	1/8/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0536	1/7/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0512	1/10/1975	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0510	12/29/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0499	12/26/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0496	12/23/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0481	12/11/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0494	12/11/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0440	12/10/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0425	11/9/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0406	12/8/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0390	12/2/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0389	12/2/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0439	12/14/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0423	12/6/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0388	12/2/1974	ESB Philadelphia, PA	ESB Inc.	Oxide, dross, mud	illegible	
708-0502	12/16/1974	Fairfield, CT	ESB Inc.	Oxide, dross, mud	illegible	
708-0484	12/18/1974	Fairfield, CT	ESB Inc.	Oxide, dross, mud	illegible	
708-0459	12/10/1974	Fairfield, CT	ESB Inc.	Oxide, dross, mud	illegible	
708-0333	12/11/1974	Fairfield, CT	ESB Inc.	Oxide, dross, mud	illegible	
708-0528	1/6/1975	Automotive Division, Allentown, PA	ESB Inc.	illegible	illegible	
708-0483	12/18/1974	Automotive Division, Allentown, PA	ESB Inc.	illegible	illegible	
708-0498	12/27/1974	Automotive Division, Allentown, PA	ESB Inc.	illegible	illegible	
708-0365	11/23/1974	Automotive Division, Allentown, PA	ESB Inc.	illegible	illegible	
708-0452	12/12/1974	Automotive Division, Allentown, PA	ESB Inc.	illegible	illegible	
708-0424	12/6/1974	Automotive Division, Allentown, PA	ESB Inc.	illegible	illegible	
708-0588	1/20/1975	Buffalo, NY	ESB Inc.	Scrap plates	73480.00	
NL letter	4/5/1973	ESB Philadelphia, PA	ESB Inc.	Pig lead	530810.00	
NL letter	12/10/1974	Gould	Gould National	Pig lead	516510.00	

NL letter	3/8/1973	ESB Philadelphia, PA	ESB Inc.	Pig lead	322530.00
NL letter	5/8/1974	Gould	Gould National	Pig lead	465760.00
Credit Memo	10/18/1968	NL Atlanta	Tennessee Copper Co.,	Pig lead	24290.00
NL letter	1/10/1975		ESB Inc.	Pig lead	187040.00
NL letter	12/10/1974		ESB Inc.	Pig lead	298520.00
NL letter	11/6/1974		ESB Inc.	Pig lead	334400.00
NL letter	10/9/1974		ESB Inc.	Pig lead	316490.00
NL letter	9/10/1974		ESB Inc.	Pig lead	408860.00
NL letter	8/8/1974		ESB Inc.	Pig lead	90660.00
NL letter	7/19/1974		ESB Inc.	Pig lead	312660.00
NL letter	6/21/1974		ESB Inc.	Pig lead	294150.00
NL letter	4/8/1974		ESB Inc.	Pig lead	276610.00
NL letter	3/11/1974		ESB Inc.	Pig lead	238110.00
NL letter	2/6/1974		ESB Inc.	Pig lead	254280.00
NL letter	6/21/1974		East Penn Mfg. Co.	Pig lead	1075750.00
NL letter	5/8/1974		East Penn Mfg. Co.	Pig lead	1283190.00
NL letter	6/20/1974		East Penn Mfg. Co.	Pig lead	681937.00
NL letter	4/9/1974		East Penn Mfg. Co.	Pig lead	1162320.00
NL letter	3/11/1974		East Penn Mfg. Co.	Pig lead	1370460.00
NL letter	2/6/1974		East Penn Mfg. Co.	Pig lead	1088130.00
NL letter	10/9/1974		East Penn Mfg. Co.	Pig lead	2308224.00
NL letter	9/10/1974		East Penn Mfg. Co.	Pig lead	1242670.00
NL letter	8/8/1974		East Penn Mfg. Co.	Pig lead	661520.00
NL letter	7/18/1974		East Penn Mfg. Co.	Pig lead	1293560.00
NL letter	1/10/1975		East Penn Mfg. Co.	Pig lead	1100200.00
NL letter	12/10/1974		East Penn Mfg. Co.	Pig lead	1537530.00
NL letter	11/6/1974		East Penn Mfg. Co.	Pig lead	1478820.00
NL letter	1/8/1974		ESB Inc.	Pig lead	185490.00
NL letter	12/6/1973		ESB Inc.	Pig lead	224270.00
NL letter	11/7/1973		ESB Inc.	Pig lead	315490.00
NL letter	10/4/1973		ESB Inc.	Pig lead	301790.00
NL letter	9/7/1973		ESB Inc.	Pig lead	510600.00
NL letter	8/3/1973		ESB Inc.	Pig lead	361860.00
NL letter	7/9/1973		ESB Inc.	Pig lead	271370.00
NL letter	6/7/1973		ESB Inc.	Pig lead	226010.00
NL letter	5/7/1973		ESB Inc.	Pig lead	276800.00
NL letter	12/23/1974		Gould National	Pig lead	516510.00
NL letter	1/10/1975		Gould National	Pig lead	349151.00
NL letter	11/6/1974		Gould National	Pig lead	659900.00

NL letter	10/9/1974		Gould National	Pig lead	415760.00	
NL letter	9/10/1974		Gould National	Pig lead	539670.00	
NL letter	7/19/1974		Gould National	Pig lead	758840.00	
NL letter	6/20/1974		Gould National	Pig lead	591330.00	
NL letter	6/20/1974		Gould National	Pig lead	614610.00	
NL letter	4/8/1974		Gould National	Pig lead	572290.00	
NL letter	3/11/1974		Gould National	Pig lead	603310.00	
NL letter	2/6/1974		Gould National	Pig lead	521160.00	
NL letter	2/8/1973		ESB Inc.	Pig lead	337540.00	
NL letter	1/8/1974		Gould National	Pig lead	542930.00	
NL letter	12/6/1973		Gould National	Pig lead	275960.00	
NL letter	11/7/1973		Gould National	Pig lead	598870.00	
NL letter	10/4/1973		Gould National	Pig lead	357650.00	
NL letter	9/7/1973		Gould National	Pig lead	497000.00	
NL letter	8/3/1973		Gould National	Pig lead	189940.00	
NL letter	7/6/1973		Gould National	Pig lead	557710.00	
NL letter	6/7/1973		Gould National	Pig lead	315450.00	
Summary Sheet	2/28-3/10/1975		Gould National	NL6, NL3	183496.00	
Summary Sheet	1/1/1975		Gould National	NL6	75214.00	
Debit memo 14-1163-DM	12/13/1974	Globe Battery Div, Middletown, DE	Globe-Union	Sump mud	-35870.00	returned for credit
Purchase Order E3739	2/27/1974	Canada Metal Co.	Canada Metal Co.	Hyax (activator)	200.00	
Purchase Order #E 4337	4/15/1974	Canada Metal Co.	Canada Metal Co.	Wire solder	300.00	
Weigh station ticket	10/1/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	63520.00	
Weigh station ticket	10/1/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	60900.00	
Weigh station ticket	10/1/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	74100.00	
Weigh station ticket	10/2/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	71300.00	
Weigh station ticket	10/2/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	72480.00	
Weigh station ticket	10/2/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	71300.00	
Weigh station ticket	10/2/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	73060.00	
Weigh station ticket	10/3/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	68640.00	
Weigh station ticket	10/3/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	69880.00	
Weigh station ticket	10/3/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	74460.00	
Weigh station ticket	10/3/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	76240.00	
Weigh station ticket	10/4/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	69580.00	
Weigh station ticket	10/4/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	64140.00	
Weigh station ticket	10/4/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	62320.00	
Weigh station ticket	10/4/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	29360.00	

Weigh station ticket	10/5/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	69220.00	
Weigh station ticket	10/5/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	69740.00	
Weigh station ticket	10/5/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	61360.00	
Weigh station ticket	10/9/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	66160.00	
Weigh station ticket	10/11/1973	Kane Steel Co.	Kane Steel Co.	Scrap oxides	71220.00	
Freight bill, Leonard Express, Inc.	11/20/1973	GSA, FSS, Warren Depot, OH	General Services Administration	Pig lead	89764.00	
Freight bill #64197, Prang Trucking	5/6/1974	USMR Co., Carteret, NJ	USMR Co.	25 drums metal N.O.I. (Silver stored for Goldsmith Bros.)	10780.00	
Freight bill #64196, Prang Trucking	5/6/1974	USMR Co., Carteret, NJ	USMR Co.	30 drums metal N.O.I. (Silver stored for Goldsmith Bros.)	31410.00	
Straight bill of lading	4/4/1975	RAE Battery Co.	RAE Battery, Berlin, CT	200 pigs Antimonial lead	15720.00	
Shipping order and freight bill	10/18/1973	GSA FSS Depot, Point Pleasant, W. VA	GSA	Grade C Antimony, full and half cakes	30006.00	



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

*Bureau of Enforcement and Investigations
401 East State Street
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P.O. Box 028
Trenton, NJ 08625-0028
Fax: (609) 633-1439*

Mr. Christopher Gibson
Archer & Greiner, P.C.
One Centennial Square
Haddonfield, NJ 08033

FEB 15 2008

Re: Margaret's Creek Lead Contamination
Old Bridge Township, Middlesex County
EA ID No. NEA070001 - 434324

Dear Mr. Gibson:

The New Jersey Department of Environmental Protection (Department) has received your January 21, 2008 correspondence, in response to the Department's November 2, 2007 Draft Administrative Consent Order (ACO). NL Industries Inc. (NL) requests additional time to investigate the history of the site and identify potentially responsible parties. In addition, you indicate NL is willing to perform a remedial investigation (RI) related to the disposal site for Liberty Trucking under an RI-only ACO and NL is prepared to implement stricter security measures at that portion of the site.

The Department has evaluated NL's proposals. With regard to NL's request for clarification concerning the option of a RI-only ACO, N.J.A.C. 7:26C-5.2 establishes that the model ACO (Appendix A) is applicable to all situations with two exceptions, as follows: RI-only ACOs are allowed only when there are multiple responsible parties to participate in the remediation and remedial action-only ACOs are allowed when a remedial investigation is complete. Since NL's proposed ACO does not conform to the allowed exceptions, the Department deems that the model ACO is appropriate for the site given the information known at this time. In the absence of at least one additional party, the Department cannot commit to a RI-only ACO and continues to maintain that it is NL's sole obligation to sign an ACO and post a remediation funding source thereby establishing a commitment to complete remediation. However, recognizing NL's willingness to sign a RI-only ACO, the Department invites NL to identify and obtain agreements with at least one other party to sign a RI-only ACO to perform the remedial investigation at the Liberty Trucking portion of the site. Alternatively, NL can present information that conclusively identifies other responsible parties to the Department. NL must respond to the Department within 30 days of receipt of this letter by indicating whether one or more of the parties they have

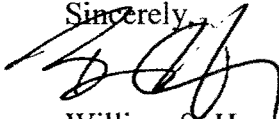
identified have expressed willingness to sign a RI-only ACO, or by providing the Department with conclusive information linking one or more parties to the discharges at the site.

NL did not propose any actions to address the remediation of the sea wall. As such, the Department intends to refer the remediation activities associated with the sea wall to the Environmental Protection Agency (EPA).

As a final note, NL is advised that Old Bridge Township has signed an ACO to address their wastes and restore the wetland once the lead contamination at the site has been addressed.

If you have any questions concerning this matter, please contact Michael A. Justiniano at 609-633-1426.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. S. Hose', written over the word 'Sincerely,'.

William S. Hose, Section Chief
Bureau of Enforcement and Investigations

C: Michael A. Justiniano, BEI
Fred Mumford, PFR ✓
Ed Putnam, PFR